

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

DAVID S. SOUR,

Petitioner,

-vs-

ERNIE MOORE, Warden,,

Respondent.

:

Case No. 3:05-cv-267

:

District Judge Thomas M. Rose
Chief Magistrate Judge Michael R. Merz

:

ORDER ADOPTING REPORT AND RECOMMENDATIONS

The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. #6), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired on August 26, 2005, hereby ADOPTS said Report and Recommendations.

It is therefore ORDERED that the Petition for Writ of Habeas Corpus be, and it hereby is, dismissed with prejudice. Because reasonable jurists would not disagree with this conclusion, Petitioner should be denied leave to appeal *in forma pauperis* and any requested certificate of appealability.

September 9, 2005.

s/**THOMAS M. ROSE**

Thomas M. Rose
United States District Judge